

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1612915069>

ZoomGov meeting number: 161 291 5069

Password: 367097

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

10:30 AM

2:20-21155 Sina Asghari Rad and Mona Montazer

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(California Capital Insurance Company VS Debtors)

Docket 12

Tentative Ruling:

Service of the motion is deficient under LBR 4001-(c)(1) and 9013-1(d)(1) in that debtors have not been served as indicated on the proof of service of the notice of motion, although the court acknowledges that their bankruptcy attorney was served through NEF and debtors' discharge was entered on 4/5/21 and they now lack standing to object to stay relief as the stay is terminated as to them pursuant to 11 U.S.C. 362(c)(2)(C). Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Sina Asghari Rad

Represented By
Navid Kohan

Joint Debtor(s):

Mona Montazer

Represented By
Navid Kohan

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

11:00 AM

2:14-29611 Nikolay Machevsky

Chapter 7

#2.00 Cont'd status conference re: Motion to allow supplemental administrative expense claim of Data Leverage, LLC
fr. 12/8/20, 1/15/21, 3/9/21

Docket 121

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 12/28/20. The Court hereby provides notice to the parties to this contested matter that the Court will hold the evidentiary hearing on claimant's motion for allowance of administrative expense claim on **January 15, 2021 at 12:00 p.m. (noon)**, which will be conducted via Zoom for Government. Participants will be connected to the courtroom using Zoom for Government but will not be physically present in the courtroom. Participants must connect to the Zoom for Government courtroom no later than 11:50 a.m. and check in with the law clerk/DECRO. If a trial participant is having problems connecting to the trial, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Video. Utilize the following link: <https://cacb.zoomgov.com/j/1617360264>

and insert **Meeting ID:** 161 736 0264 and **Password:** 128488

b. Audio only. Audio-only participants must call into Zoom for Government by calling:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

11:00 AM

CONT... **Nikolay Machevsky**

Chapter 7

+1 669 254 5252, or +1 646 828 7666;

and insert **Meeting ID**: 161 736 0264 and **Password**: 128488

Revised tentative ruling as of 12/7/20. The court will treat the motion of Data Leverage, LLC, to allow its supplemental administrative expense claim as a contested matter pursuant to FRBP 9014. Although it is an open question in the Ninth Circuit, the court is inclined to agree with movant that its claim is not precluded by the fact that this is a Chapter 7 bankruptcy case to claim actual, necessary costs of preserving the estate or actual, necessary expenses incurred by a creditor in making a substantial contribution to the estate pursuant to 11 U.S.C. 503(b)(1)(A) and/or (b)(3)(D) based on the word "including" in 11 U.S.C. 503(b) based on the weight of the case law. In re Mark Anthony Construction, Inc., 886 F.2d 1101, 1106-1107 (9th Cir. 1989), citing inter alia, 11 U.S.C. 102(3) ("includes" and "including" are not limiting"); Mediofactoring v. McDermott (In re McDermott), 802 F.3d 810, 816 (6th Cir. 2015); In re Maqsoudi, 566 B.R. 40, 44 (Bankr. C.D. Cal. 2017); In re Maust Transportation, Inc., 589 B.R. 887 (Bankr. W.D. Wash. 2018); but see, In re United Education and Software, BAP No. CC-05-1067 MaMeP, 2005 WL 696037 at *7 (9th Cir. BAP October 7, 2005)(holding that the five examples of 11 U.S.C. 503(b)(3) are limited). However, whether movant has substantiated its claim of actual, necessary costs of preserving the estate or actual, necessary expenses incurred by it in making a substantial contribution to the estate. In this regard, the court agrees with the trustee and most of his evidentiary objections to the Linton declaration in support of the motion that the evidentiary support of movant's claims lack foundation. The admissible evidence to substantiate the alleged liens, debt service payments and tax obligations which movant allegedly paid off is lacking authenticity and testimony based on personal knowledge as well as evidence that the payments were actually made (no corroborative evidence of payments being made, such as bank statements, cancelled checks, wire transfer receipts, etc.). The admissible evidence to substantiate the alleged legal fees incurred by movant to allegedly preserve the estate property is lacking authenticity and testimony based on personal knowledge as well as evidence that the services were rendered for the purposes to preserve estate property as movant

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

11:00 AM

CONT... Nikolay Machevsky

Chapter 7

alleges is lacking. Given the large dollar amounts that were allegedly spent (i.e., \$293,694.87 on the proof of claim filed with the court attached as Exhibit D to movant's request for judicial notice) to preserve estate property or make a substantial contribution to the estate and the assertions in the moving papers indicate that movant may have a colorable claim under 11 U.S.C. 503(b)(1)(A) or (b)(3)(D), the court is inclined to give an opportunity to meet its burden of proving up its administrative expense claim under 11 U.S.C. 503 with admissible evidence, which may mean an evidentiary hearing. However, the trustee may have defenses on policy grounds that this is not the rare case where substantial contribution should be allowed if movant acted with knowledge of debtor's bankruptcy case or failed to conduct appropriate due diligence to learn of the bankruptcy case as alleged by trustee. The court expects to set a schedule of pretrial proceedings for movant to prove up its claim with admissible evidence.

Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

Trustee(s):

Wesley H Avery (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01410 Dorfman v. Okland

#3.00 Cont'd status conference re: Complaint to determine dischargeability of debt
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4)
fr. 11/17/20, 1/19/21, 3/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will be amending the motion for default judgment in several weeks and requested a further continuance of the status conference to allow him to do this. The court on its own motion continues the status conference to 7/6/21 at 1:30 p.m. for this purpose. No appearances are required on 5/4/21.

Prior tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. Plaintiff must report on the status of his efforts to file a motion for default judgment as he has been intending to file such motion for about a year. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/13/20. No tentative ruling on the merits. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone. Prior tentative ruling as of 10/22/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment by 11/10/20. Based on this representation, the court on its own motion continues the status conference to 11/17/20 at 1:30 p.m. to allow additional time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 10/27/20.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

CONT... Dean Henrik Okland

Chapter 7

Prior tentative ruling as of 7/31/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment, but the gathering of documents in support thereof is taking longer than anticipated in light of the current situation, though he is hopeful that the motion can be filed within 60 days. Based on these representations, the court on its own motion continues the status conference to 10/27/20 at 1:30 p.m. to allow time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 8/4/20.

Prior tentative ruling as of 5/22/20. Appearances are required on 5/26/20 to discuss the status of plaintiff's motion for default judgment and when other further proceedings should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. The court has reviewed plaintiff's unilateral status report filed on 3/16/20, stating that he will be filing a motion for default judgment shortly. The court on its own motion continues the status conference for about 60 days to 5/26/20 at 1:30 p.m. to allow time for plaintiff to prepare and file his motion for default judgment. No appearances are required on 3/31/20.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. These dates will likely be moot if a motion for default judgment is filed and ruled upon in the meantime. Appearances are optional on 11/19/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

CONT... Dean Henrik Okland

Chapter 7

Plaintiff(s):

Chuck Dorfman

Represented By
David S Hagen

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#4.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 1/21/21, 2/2/21, 3/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/24/21. No tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. The court has listened to the audio file for the last status conference on 6/30/20, wherein the court had set a discovery cutoff date of 12/31/20, ordered a further status conference for 1/12/21 at 1:30 p.m., ordered the parties to mediation to be completed by the further status conference and ordered counsel for plaintiff to submit a proposed scheduling order with these scheduled dates within one week. However, counsel for plaintiff never submitted the scheduling order as the court ordered. For lack of a scheduling order, the court incorrectly noted the further status conference on the docket for 1/21/21 at 1:30 p.m. which was continued to 2/2/21 at 1:30 p.m. The court orders counsel for plaintiff to show cause why sanctions should not be imposed against them for failure to submit a proposed scheduling order as ordered. The parties should discuss the status of mediation and setting a date for a pretrial conference if the matter is not settled. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

CONT... MINSEOK LEE

Chapter 7

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. The court will inquire whether the parties have fully complied with the meet and confer requirement of LBR 7026-1. Set a discovery cutoff date of 12/31/20 and a post-discovery status conference on 1/12/21 at 1:30 p.m. The court does not set the matter for a pretrial conference at this time in light of the current uncertainty from the COVID-19 pandemic and its effect on when the court will be conducting in person trials. At the postdiscovery status conference, the court will discuss with counsel the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

CONT... MINSEOK LEE

Chapter 7

possibility of conducting the trial remotely by videoconference technology. The court will also discuss the possibility of referral to the court's voluntary mediation program. Appearances are required on 6/30/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, this court is only conducting hearings with telephonic appearances for this matter and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Party Information

Debtor(s):

MINSEOK LEE

Represented By
Jaenam J Coe

Defendant(s):

Minseok Lee

Pro Se

Plaintiff(s):

Starbucks Corporation

Represented By
Shayne Figgins
Maria Keller

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

2:20-12202 Richard Ochoa Telles

Chapter 7

Adv#: 2:20-01137 Sluggett v. Telles

#5.00 Cont'd hearing re: Motion to compel discovery and court-ordered mediation and for sanctions
fr.1/19/21, 2/16/21

Docket 16

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Since the parties completed mediation with no settlement, they should be prepared to discuss the status of defendant's compliance with plaintiff's discovery requests. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

2:20-12202 Richard Ochoa Telles

Chapter 7

Adv#: 2:20-01137 Sluggett v. Telles

#6.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under Section 523(a)(4) of the bankruptcy code and for denial of discharge under Section 727(a)(4)(A) of the bankruptcy code
fr. 1/12/21, 1/19/21, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Since the parties completed mediation with no settlement, they should be prepared to discuss the status of discovery and scheduling of further proceedings, such as setting the matter for a pretrial conference. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 11/30/20 and a post-discovery status conference on 12/8/20 at 1:30 p.m. Parties will be asked why the matter should not be referred to mediation, why the trial estimate is three days per side since the direct testimony of nonadverse, cooperative witnesses will be presented by declaration, and why trial should be delayed pending the sale of estate assets. In this regard, the court notes that the trustee has filed a motion to sell estate artworks in the main bankruptcy case set for hearing on 8/11/20 at 2:30 p.m. Plaintiff is to lodge a proposed scheduling order after the status conference.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

CONT...

Richard Ochoa Telles

Chapter 7

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Pro Se

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#7.00 Cont'd status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud
fr. 3/20/21, 4/6/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The status conference from 3/30/21 is continued to 4/6/21 because counsel for plaintiff failed to file a status report and appear for the status conference as required by LBR 7016-1 and the court's order setting initial status conference. Moreover, it appears that plaintiffs lack standing to assert the prepetition transfer avoidance claims in the complaint because such claims are property of the bankruptcy estate under the supervision of the Chapter 7 bankruptcy trustee. In re Curry and Sorenson, Inc., 57 B.R. 824, 827 (9th Cir. BAP 1986); 11 U.S.C. 544 and 548. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

CONT... Wanderluxxe, LLC

Chapter 7

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01351 Mover v. Jaurigui

#8.00 Hearing re: Motion to exclude witnesses at trial

Docket 50

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Plaintiff(s):

Jonathan Mover

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01351 Mover v. Jaurigui

#9.00 Cont'd pretrial conference re: Complaint for nondischargeability under 11 U.S.C. §§ 523(a)(2)(A), 523(a)(2)(B), 523(a)(6); and objection to discharge under §§727(a)(2), 727(a)(4)
fr. 2/16/21, 3/16/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Pro Se

Plaintiff(s):

Jonathan Mover

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

#10.00 Hearing re: Motion to exclude witnesses at trial

Docket 50

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Plaintiff(s):

Swing House Rehearsal and

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

#11.00 Cont'd pretrial conference re: Complaint by Swing House Rehearsal and Recording, Inc. against Philip Joseph Jaurigui for nondischargeability under 11 U.S.C. §§523(A)(4) and 523(a)(6); and objection to discharge under §727(a)(4) fr. 2/16/21, 3/16/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Pro Se

Plaintiff(s):

Swing House Rehearsal and

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:19-10326 Javier Garcia and Deanna Garcia

Chapter 7

#12.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[David M. Goodrich, Chapter 7 Trustee]

Docket 65

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 5/4/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Javier Garcia

Represented By
Sam Benevento

Joint Debtor(s):

Deanna Garcia

Represented By
Sam Benevento

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#13.00 Cont'd order to show cause why Eui Joon Park should not be held in contempt for failing to produce documents
fr. 1/19/21, 3/16/21

Docket 36

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits.
Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

#14.00 Cont'd hearing re: Application by chapter 7 trustee to employ Keller Williams as real estate broker
fr. 1/12/21, 2/2/21, 3/9/21

Docket 33

***** VACATED *** REASON: Off calendar per order entered on 5/4/21-
mb.**

Tentative Ruling:

Updated tentative ruling as of 5/4/21. Off calendar. Hearing taken off calendar by order entered on 5/4/21. No appearances are required on 5/4/21.

Corrected tentative ruling as of 5/3/21. Off calendar. The court has reviewed the joint status report in the related adversary proceeding stating that the dispute between the estate and the debtor, the objecting party, is being settled and that the court has granted a motion to approve the settlement under FRBP 9019 by order entered on 5/3/21. Granting the motion to approve the settlement would obviate the need for employment of a real estate broker as the subject property would not be sold, and would apparently render the application unnecessary, and the trustee has lodged a proposed order taking the application off calendar, which is pending. The court on its own motion continues the hearing on the application to 7/6/21 at 1:30 p.m. in light of the settlement between the estate and the debtor. No appearances are required on 5/4/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#15.00 Cont'd status conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(1) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. §542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(1) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. §105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g)
fr. 1/12/21, 2/2/21, 3/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/4/21. Off calendar. Status conference continued to 7/6/21 at 1:30 p.m. by order entered on 5/4/21. No appearances are required on 5/4/21.

Prior tentative ruling as of 5/3/21. Off calendar. The court has reviewed the joint status report stating that the matter is being settled and that a motion to approve the settlement under FRBP 9019 is pending, awaiting a ruling after the time period to file objection and request a hearing pursuant to LBR 9013-1(o) expires. The court on its own motion continues the status conference to 7/6/21 at 1:30 p.m. in light of the pending settlement proceedings. No appearances are required on 5/4/21.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

CONT... Ki Hyong Kim

Chapter 7

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:20-17954 V.P. Manufacturing, Inc.

Chapter 7

#16.00 Cont'd hearing re: Motion to allow administrative expense
fr. 3/9/21, 4/6/21

Docket 46

Tentative Ruling:

Updated tentative ruling as of 5/3/21. The motion appears to be moot based on the stipulation regarding reductions of secured and administrative claims and order thereon which acknowledges the allowance of movant's administrative expense claim in a reduced amount. Appearances are optional on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions. If no appearances are made, the court will assume that the motion is resolved by the stipulation and order reducing and allowing reduced secured and administrative claims and the hearing is moot.

Party Information

Debtor(s):

V.P. Manufacturing, Inc.

Represented By
Mark T Young
David M Goodrich

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
David M Goodrich